

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY HARRIS,

Plaintiff,

No. 05-CV-74405-DT

vs.

Hon. Gerald E. Rosen

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on September 19, 2006

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Section 1983 prisoner civil rights matter having come before the Court on the May 25, 2006 Report and Recommendation of United States Magistrate Judge R. Steven Whalen recommending that the Court (1) grant Defendants' motions to dismiss [Dkt. Nos, 13, 15, 43 and 44]; (2) dismiss Plaintiff's claims against Defendants Roth, Lee, Jones and Armstrong, with prejudice, on frivolousness grounds; and (3) dismiss Plaintiffs' claims against Defendants CMS, Mishra, Mathai, Kakani, and Shaw, without prejudice; and no timely objections having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation, and the Court's entire file of this action, and having concluded that, for the reasons stated in the Report and Recommendation, Defendants' motions to

dismiss should be granted and this case should, accordingly be dismissed in its entirety, and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of May 25, 2006 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motions to Dismiss be, and hereby are, GRANTED.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendants Roth, Lee, Jones and Armstrong are dismissed, with prejudice, on frivolousness grounds.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendants CMS, Mishra, Mathai, Kakani, and Shaw are dismissed, without prejudice.

Based on the foregoing, this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a).

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: September 19, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 19, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager